

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIMON AND SIMON, PC, et al., Plaintiffs, v. ALIGN TECHNOLOGY, INC., Defendant.	ORDER FOR SMILEDIRECTCLUB TO SHOW CAUSE Case No. 20-cv-03754-VC (TSH) Re: Dkt. No. 251
MISTY SNOW, et al., Plaintiffs, v. ALIGN TECHNOLOGY, INC., Defendant.	Case No. 21-cv-03269-VC (TSH) Re: Dkt. No. 263

In the January 12, 2023 Joint Case Management Statement regarding discovery, Plaintiffs argued that they should be provided with the awards in the Swift and Supply arbitrations, as well as any other substantive orders from the five arbitrations between SmileDirectClub (“SDC”) and Align. Align agreed that the awards should be produced but stated that there is no need to produce “other substantive orders,” as the awards themselves resolved all substantive issues disputed by the parties. At the January 13, 2023 discovery status conference, the parties added that SDC’s substantive briefings in the five arbitrations should be produced as well. The parties agree that SDC should be given the opportunity to redact any information that is competitively sensitive and

1 irrelevant to Plaintiffs' Section 1 claim.

2 The Court wishes to hear SDC's views. Accordingly, the Court **ORDERS** SDC to **SHOW**
3 **CAUSE** why it should not be ordered to produce the awards in the five arbitrations and SDC's
4 substantive briefing in the five arbitrations. The Court envisions that SDC could redact
5 competitively sensitive information that is not relevant to Plaintiffs' Section 1 claim and asks SDC
6 to state how long it needs to perform that review in the event the Court determines these materials
7 should be produced to Plaintiffs. SDC's response to the OSC is due January 24, 2023. Plaintiffs
8 and Align may file a response to SDC's response no later than January 27, 2023. The Court
9 **ORDERS** Align to serve this order on SDC and to file a certificate of service showing that it has
10 done so.

11 **IT IS SO ORDERED.**

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13 Dated: January 17, 2023

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15 THOMAS S. HIXSON
16 United States Magistrate Judge
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